

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re Lion Air Flight JT 610 Crash

Lead Case: 1:18-cv-07686

Honorable Thomas M. Durkin

This filing applies to
All Cases

THE BOEING COMPANY'S TENTH STATUS REPORT
ON REMAINING INDIVIDUAL ACTIONS

Pursuant to the Court's Minute Entry of July 28, 2021, Boeing hereby provides an updated report on the number and status of the remaining claims.

As previously reported, the parties have fully or partially settled the claims filed in this Court on behalf of 182 decedents from the tragic Lion Air Flight JT610 accident. Another claim was fully settled without litigation being filed. Boeing appreciates the assistance of the mediator, Judge Donald O'Connell, in reaching these settlements. There remain only four decedents for whom the claims have not yet settled. For one additional decedent, Boeing continues to negotiate with one remaining claimant while all other claims relating to that decedent have settled.

Boeing continues to work with plaintiffs' counsel to fully document the settlements that have been reached so far. Although COVID and the various participants' summer schedules hindered progress since the last status report, Boeing also continues to work with plaintiffs' counsel to resolve the few remaining unsettled claims.

- The mediations before Judge O'Connell for two of the unsettled claims were postponed from August to early October. Boeing expects that the mediations will proceed as presently scheduled.

- In another claim, the parties continue to discuss exchanging information prior to mediating. Boeing remains hopeful that a mediation will be scheduled in the near future on this claim.
- In another claim, the parties have continued their dialog directly between counsel since the last mediation of that claim in late May.
- In the final unsettled matter, where all claimants but one have settled, Boeing and the plaintiff that has not yet settled continue to negotiate directly on a possible resolution.

Boeing does not believe that an impasse has been reached in any of the ongoing settlement discussions. Productive discussions continue on each of the unsettled claims. While each of the cases is being negotiated separately, all the cases benefit from the continued stay because the stay allows those negotiations to proceed without the parties being forced to engage in unnecessary and distracting motion practice.

Given the current status, Boeing respectfully requests that the Court continue the stay to allow for continued settlement discussions on the remaining claims and that the Court set a deadline of Friday, November 12, 2021, for Boeing's next status report.

Background

The Plaintiffs and Boeing committed at the outset to negotiate in good faith to settle these claims for full compensatory damages under the applicable law as assessed based on the facts and circumstances of each case. May 17, 2019 Joint Case Management Report at 1. The Court adopted the parties' proposal and struck all pending deadlines in the litigation to allow the settlement negotiations and mediations to proceed. May 20, 2019 Docket Entry. The parties then began mediating with the assistance of mediator Hon. Donald O'Connell, former Chief Judge of the Circuit Court of Cook County. The first mediation was held on July 16, 2019. The parties

have made substantial progress resolving claims, including using virtual mediations due to the COVID-19 pandemic.

Status of Individual Actions

Detailed information on the filed cases is provided below, but the following charts provide a high-level summary of the status of the claims brought in the litigation.

By Action	
Dismissed	74
Expected to be Dismissed	6
Remaining	7
Total	87

By Decedent	
Fully Settled	181
Partially Settled	1
Fully Unsettled	4
Total	186

To date, 87 individual actions arising out of the October 29, 2018 accident involving Lion Air Flight JT 610 have been filed in or removed to this Court. The complaints in these actions assert wrongful death and other claims on behalf of 186 different decedents out of the 189 people who were on board Lion Air Flight 610.¹ The parties have fully or partially settled—and are at

¹ Although the claims relating to some decedents have been included in multiple, separate actions, there are 186 different, unique decedents represented in the cases filed to date.

various stages of finalizing (as discussed below)—claims on behalf of 182 of the 186 decedents on whose behalf claims have been filed.

The claims relating to 167 decedents have been settled and fully dismissed, either as a result of a stipulation of dismissal or a motion for approval of the settlement. These stipulations and motions resulted in full dismissal of 74 of the 87 actions filed so far, leaving 13 individual actions that are currently open. A list of those 13 actions follows below. The 13 open actions involve claims on behalf of 19 different decedents.

Of the claims for 19 decedents in the open actions, the plaintiffs and Boeing have fully or partially settled the claims for 15 of those decedents. These settlements are in the process of being fully documented. Boeing expects that these settlements will lead to additional stipulations of dismissal and motions for approval of the settlements in the near future. Boeing expects that the dismissal of these claims will include the full dismissal of 6 of the 13 currently open actions.² Boeing is engaged in settlement discussions and/or mediations with plaintiffs' counsel on the remaining claims.

Considering all claims without regard to whether the claims have been filed in this Court yet or not, 183 claims have fully or partially settled. This total includes one claim that settled prior to suit being filed. Boeing has not been presented with claims for two of the decedents on the aircraft.

List of Currently Open Actions

CASE NO.	CASE NAME
1:18-cv-07686	In re: Lion Air Flight JT 610 Crash Saputra, et al. v. The Boeing Company
1:19-cv-01552	Chandra v. The Boeing Company
1:19-cv-01601	Subekti v. The Boeing Company

² One of the decedents with unsettled claims is represented in four different actions filed before this Court.

CASE NO.	CASE NAME
1:19-cv-01701	Wijaya, et al. v. The Boeing Company
1:19-cv-02774	Agnes Tjandra, et al. v. The Boeing Company
1:19-cv-02919	Rosanna Simarmata, et al. v. The Boeing Company
1:19-cv-05217	Komar, et al. v. The Boeing Company
1:19-cv-05220	Liyanah, et al. v. The Boeing Company
1:19-cv-07091	Smith, et al. v. The Boeing Company, et al,
1:20-cv-02643	Abidin, et al. v. The Boeing Company
1:20-cv-04137	Suryati v. The Boeing Company
1:20-cv-05498	Sethi v. The Boeing Company
1:20-cv-05773	Khan v. The Boeing Company

Conclusion

Pursuant to the mediation process approved by the Court and with the assistance of Judge O’Connell, the parties have made remarkable progress in resolving these claims. For the reasons stated above, Boeing respectfully requests that the Court continue to stay the litigation and set a deadline of November 12, 2021, for Boeing’s next status report.

DATED: September 10, 2021

THE BOEING COMPANY

By: /s/ Mack H. Shultz, Jr.

One of its Attorneys

Bates McIntyre Larson
BLarson@perkinscoie.com
Daniel T. Burley
DBurley@perkinscoie.com
Perkins Coie LLP
131 S. Dearborn, Suite 1700
Chicago, Illinois 60603-5559
Phone: (312) 324-8400
Fax: (312) 324-9400

Mack H. Shultz, Jr.
MShultz@perkinscoie.com
Gretchen M. Paine
GPaine@perkinscoie.com
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: (206) 359-8000
Fax: (206) 359-9000

CERTIFICATE OF SERVICE

I, Mack H. Shultz, Jr., certify that on September 10, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record. I also certify that I served the foregoing by email to the following attorneys:

Filippo Marchino

fm@xlawx.com

Tom Cassaro

tc@xlawx.com

Thomas Gray

tg@xlawx.com

THE X-LAW GROUP, P.C.

625 Fair Oaks Ave., Suite 390

South Pasadena, CA 91030

Tel: (213) 599-3380

I certify under penalty of perjury that the foregoing is true and correct.

DATED this 10th day of September 2021.

/s/ Mack H. Shultz, Jr.

PERKINS COIE LLP

1201 Third Avenue, Suite 4900

Seattle, Washington 98101-3099

Phone: (206) 359-8000

Fax: (206) 359-9000